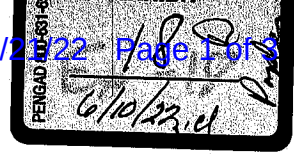




LEE LEGAL GROUP PLLC

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September 28, 2021

Via: In person

Genesee County Road Commission
Cloyce Dickerson, Board Chairman
211 W. Oakley Street
Flint, MI 48503

Dear Commissioner Dickerson:

Re: Representation of Donna Poplar and Settlement Offer– Communication Governed by Federal Rule of Evidence 408:

Lee Legal Group, PLLC represents Ms. Donna Poplar (“Client” or “Ms. Poplar”) (Black, Female) with respect to her current employment with the Genesee County Road Commission (“Road Commission”). Please direct all future correspondence regarding this matter to our attention. This correspondence is an offer to compromise within the meaning of Federal Rule of Evidence 408 and is governed thereby.

Statement of Relevant Facts

As you are aware, Ms. Poplar is the Director of Human Resources (“HR”) at the Road Commission. On August 26, 2021, Ms. Poplar filed a complaint with the the Road Commission describing in detail her complaints against her supervisor and Managing Director, Fred Peivandi for race discrimination, differential treatment, hostile work environment and the mishandling of her previous complaint by the Road Commission.

Ms. Poplar filed a charge with the Equal Employment Opportunity Commission (“EEOC”) on February 4, 2019 after her requests for accommodation for her disability were denied. She also complained about the racism she and other Black people at the road commission experienced. Ms. Poplar decided not to sue the Road Commission and continued to try to create a culture of acceptance and diversity within the Road Commission. Eventually, Ms. Poplar did receive an

accommodation for her disability, but the race discrimination and retaliation against Ms. Poplar and other African-Americans continued.

Ms. Poplar by nature of her position as the Director of Human Resources is aware of multiple instances whereby other African-Americans have previously and currently are being discriminated against due to their race in hiring, pay, overtime, remote work approval, and leave. Ms. Poplar filed a second complaint with the board in January 2021 after continuously reporting the treatment she had been subjected to. Ms. Poplar filed a second EEOC charge regarding her treatment earlier this year. There was not an official response by the Road Commission regarding the complaint written to the board. Instead the managing director gave Ms. Poplar five directives that she needed to follow in response to her complaint.

In August 2021, Ms. Poplar was suspended for two weeks by the managing director without merit. The managing director stated that Ms. Poplar had not followed his five directives. When Ms. Poplar returned to work, she was immediately placed on administrative leave because she filed a complaint regarding her unmerited suspension with the board. No other employee has been subjected to forced administrative leave after filing a complaint, without concerns that they were unable to work with co-workers or do their job. Ms. Poplar had not been placed on administrative leave when she complained in the past. The Road Commission retaliated against Ms. Poplar when she was removed from her duties as Director of Human Resources because she engaged in protected activity and reported her concerns.

The Road Commission has continued its pattern of racial discrimination against HR Directors. Makini Jackson who was hired as the Human Resources Director for the Road Commission in March 2016 filed a discrimination lawsuit against the Road Commission which is currently being reviewed by the United States 6th Circuit Court of Appeals. There have been several lawsuits filed against the Road Commission for discrimination; Yet, this has not changed the blatant discrimination against Black people at the Road Commission.

For example, the 2021-2022 budget passed by the Road Commission this month reflects large raises (up to \$15,000) in pay for the three White directors who have not engaged in protected activity. The two Black directors who have engaged in protected activity, (Anthony Branch and our client Donna Poplar) have received 1% and 2% raises, much less than their White counterparts. Prior to participating in protected activity, raises for directors were typically similar unless a step was warranted. Furthermore these two Black directors are contractual employees unlike their counterparts.

Please see attached information regarding discriminatory actions that have taken place at the Genesee County Road Commission. Ms. Poplar has continuously reported the discriminatory behavior against herself and others. This has resulted in unnecessary retaliation and harassment.

The Statutes Violated and Available Damages and Relief

The Genesee County Road Commission has violated Title VII of the Civil Rights Act of 1964 ("Title VII") and 42 U.S.C. § 1981 ("Section 1981") which prohibit discrimination against an employee based on race. Ms. Poplar will seek damages for compensatory damages, punitive damages, prejudgment interest, attorneys' fees and costs. Compensatory and punitive damages under Section 1981 are uncapped.

Settlement Discussion

Ms. Poplar is willing to mediate her concerns. An authorized representative may contact this firm by Tuesday, October 12, 2021 to indicate its willingness to discuss this matter. If this offer to mediate is not accepted, the offer to mediate shall be withdrawn and Ms. Poplar will move forward with her claims and seek appropriate relief.

Genesee County Road Commission Evidence Preservation Obligations

This letter additionally notifies the Road Commission of its duty to preserve evidence in anticipation of litigation. Evidence relevant to this dispute includes, but is not limited to, documents and electronically stored information (ESI) related to the following subjects:

Ms. Poplar's employment with Genesee County Road Commission, including any and all performance, compensation and/or personnel documents;

Any and all complaints regarding discrimination, and any and all discrimination investigations, summaries, and/or discipline associated therewith; and the training, if any, provided by Genesee County Road Commission to the Board and Managing Director regarding discrimination in the workplace. Failure to preserve this evidence may result in sanctions.

Conclusion

We hope to resolve this matter amicably. I can be reached at 810.513.9257 or Charis@leebusinesslaw.com

Regards,



Charis Lee, Esq.

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